

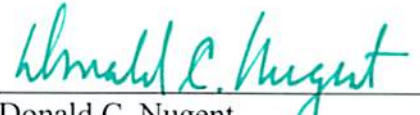
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TONY HAWK,	)	CASE NO. 4:10 CV 2914
	)	
Plaintiff,	)	
	)	
v.	)	JUDGE DONALD C. NUGENT
	)	
GREG WHITE, MAGISTRATE JUDGE,	)	
	)	
Defendant.	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>

Before the Court is Plaintiff's Motion for Retrial, seeking reconsideration of this Court's Order of January 26, 2011, which dismissed Plaintiff's Complaint. Having reviewed the arguments by plaintiff, and the applicable law, the Court hereby denies Plaintiff's motion. Plaintiff cites no law or facts that were not available at the time of his original Complaint, and cites no legal support to challenge the Court's original ruling dismissing this action because Magistrate White is absolutely immune from any civil suit for money damages that is based on a conduct performed in his judicial capacity. A motion for reconsideration is not a means by which a party may raise issues or facts that could have, or already have been addressed in the original proceedings.

Further, the proper means for challenging a judicial ruling is an appeal to a higher court, and not the initiation of a lawsuit against the judicial officer. Plaintiff has filed an appeal of the decision upon which this litigation was based, and he will have his opportunity to challenge that ruling through those proper means. (See, Case No. 4:09 CV 2298, ECF # 43, 44). For the reasons set forth in the Court's Memorandum and Order dismissing Plaintiff's original Complaint, this case was properly dismissed. (ECF # 4). Plaintiffs' Motion for Retrial is denied.

IT IS SO ORDERED.



Donald C. Nugent  
United States District Judge

Date: February 28, 2011